

Amendment  
Application No. 10/540,935  
Attorney Docket No. 052497

### **REMARKS**

Claims 2 - 11 remain pending, and claims 2 and 7 are currently amended. No claims are canceled or added via the present submission.

#### **Disclosure Objection - 37 C.F.R. §1.77**

**The disclosure is objected to for not using a suggested or “preferred” layout. Applicant respectfully traverses this objection.**

The layout provided in the Office Action is “preferred” but not *required*, and 37 C.F.R. §1.77(b) only indicates that an applicant “should” use the layout. (If the PTO wanted to require the layout, the regulation would have recited “must” in place of “should.”) The Office Action provides no reason to think that the layout as originally filed would not be amply clear to one skilled in the art.

Nonetheless, to expedite prosecution, applicant amends the disclosure as shown above to conform more closely to 37 C.F.R. §1.77(b) where practicable. Accordingly, withdrawal of the objection to the specification is now requested.

#### **Claim Rejections - 35 U.S.C. §112**

**Claims 6 and 11 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.**

According to the Office Action, claims 6 and 11 contain subject matter that is not sufficiently described in the specification to enable a person to make or use the invention. Both claims 6 and 11 specify that the invention includes a device that is configured to horizontally move and store the “first article.”

The specification describes such subject matter. Note, for example, page 7, lines 4-6, which discusses an embodiment of the invention having a device for horizontally moving and storing an article (a “first article”) for protecting the automobile body.

Applicant respectfully submits that a person skilled in the art would readily understand the description cited from the specification. Note, for example, the prior art reference Hetzell, U.S. Patent No. 3,718,357, cited in the Information Disclosure Statement (IDS) filed June 29, 2005. Figs. 5 and 6 clearly show a device (a bumper guard assembly) that is configured to horizontally move and store a first article (sub-baseboard 65). For at least the reason that such subject matter was known in the art for a long period of time prior to the filing date of the present application (Hetzell issued in 1973), applicant’s specification should be deemed as enabling for a person skilled in the art to make or use the invention.

Accordingly, applicant solicits the withdrawal of the non-enablement rejection.

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**Claim Rejections - 35 U.S.C. §102**

**Claims 2, 3, 7 and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Publication No. 11-291827 (*Katsuhisa et al.*). Applicant respectfully traverses this rejection.**

The claims describe a device for storing an article for protecting an *exterior* portion of an automobile body, and the rejection is based on *Katsuhisa et al.*'s disclosure of an article (side plate section 5c) extending toward the *interior* of the automobile. Applicant finds no disclosure in *Katsuhisa et al.* of a device for storing an article for protecting an exterior portion of an automobile body. Instead, applicant only finds a disclosure of an article holder attached to a lining member of the interior of the automobile. Applicant amends claims 2 and 7 as shown above to emphasize such distinction between his invention and the device of *Katsuhisa et al.* Especially with these amendments, the anticipation rejection of claims 2 and 7 should be withdrawn. Because claims 3 and 8 depend from claims 2 and 7, respectively, the anticipation rejection of claims 3 and 8 should be withdrawn also for at least the reason of their dependency.

Accordingly, applicant solicits the withdrawal of the anticipation rejection.

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**Claim Rejections - 35 U.S.C. §103**

**Claims 4, 5, 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication Number 11-291827 (hereafter *Katsuhisa et al.*). Applicant respectfully traverses this rejection.**

The obviousness rejection of claims 4, 5, 9, and 10 relies on *Katsuhisa et al.* to anticipate base claims 2 and 7. However, *Katsuhisa et al.* cannot anticipate claims 2 and 7, as discussed above. Accordingly, the obviousness rejection of claims 4, 5, 9, and 10 cannot be proper.

Withdrawal of the obviousness rejection is now requested.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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